

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
)
V.) CASE NO. 3:10-CR-00260(13)
)
ABDIRAHMAN ABDIRAZAK HERSI,) JUDGE HAYNES
DEFENDANT.)

Defendant's Late Filed Substantive
Motion to Strike Paragraphs 40, 42, 43 & 44 from the Second Superseding
Indictment

Comes the Defendant Adbirahman Abdirazak Hersi (13), and moves the Court to strike the overt acts in paragraphs 40, 42, 43 & 44 from counts one and two of the Second Superseding Indictment. In support of this motion Defendant submits the following:

1. The respective paragraphs of the Second Superseding Indictment state the following:

40. On or about Saturday, April 25, 2009, [other co-defendants] transported Jane Doe Two to a location where [13] ABDIRAHMAN ABDIRAZAK HERSI a/k/a "BIGGIE", YOB 1990, 19 years of age at this time, was present. At this location Jane Doe Two was provided to [13] ABDIRAHMAN ABDIRAZAK HERSI a/k/a "BIGGIE" for the purpose of sex. [13] ABDIRAHMAN ABDIRAZAK HERSI a/k/a "BIGGIE" did engage in sex acts with Jane Doe Two.

42. On or about Sunday, April 26, 2009, [other co-defendants] picked Jane Doe Two and [other co-defendants] up from [a] residence. These persons then drove to a location and picked up [13] ABDIRAHMAN ABDIRAZAK HERSI a/k/a "BIGGIE".

43. On or about Sunday, April 26, 2009, [other co-defendants] and [13] ABDIRAHMAN ABDIRAZAK HERSI a/k/a "BIGGIE" discussed raising money for the trip to Nashville, Tennessee, and began making calls to person offering Jane Doe Two for the purpose of commercial sex acts. This was done in an attempt to raise money for the trip to Nashville, Tennessee.